



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** October 28, 2016

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Robert Price, Assistant Planner

**Subject:** **Skippers Marine Corp. (applicant/owner)** — Review for acceptance and consideration of a waiver of full site plan review to amend a previously approved outdoor boat display and storage. The parcel is located at 54 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 029.

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### **Background**

Map 2D, Lot 029 is located at 54 Daniel Webster Highway. The parcel is located in the I-1 (Industrial) and Aquifer Conservation Districts and is 0.847 acres in size. It is serviced by municipal sewer and water (Pennichuck). The lot is abutted by a residence to the north, a small portion of the Bower's Landing Apartment complex at the southwest corner of the parcel, and businesses on all other sides.

The applicant is proposing to revise the approved site plan to remove customer parking spaces and replace them with boat storage. Additionally, the applicant is proposing to position boats on both sides of the entrance drive to display them for sale. While parking within 50 feet of Daniel Webster Highway is normally not permitted, the applicant was granted a variance for this purpose on October 26, 2016 by the ZBA.

Staff notes that this property has been the subject of numerous enforcement actions for site plan violations related to parking over the last few years. The application before the Board is an attempt by the owner to amend his site plan to better-reflect what he describes are his true operational needs. The Fire Department has expressed concern with the proposal through the following comments provided to the Community Development Department by Fire Marshal John Manuele:

"The proposal by the building owner is apparently to increase the area for storing boats on the site. This property has had an ongoing series of complaints lodged against it going back as far as 2008 for excessive storage of boats. The Fire Marshal's Office has investigated these complaints and found that there has in fact been so many boats stored that there was no emergency vehicle access to the building. In each instance, Mr. Mohr[sp] has attempted to clear the access upon the request by this office or Community Development, however the issue continues to reoccur. I do not see how increasing the area available for boat storage is going to improve this situation."

In addition to emergency access complaints, Community Development has been asked to address sight distance complaints during this same time period. Staff strongly recommends that the Board discuss with the applicant ways to prevent both of these situations from occurring in the future.

### **Completeness**

**Staff recommends that the Board vote to accept the application**, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

### **Parking**

Note 7 on the approved site plan proposed a total of 10 parking spaces including 1 handicapped space. The owner has since argued that this number of parking spaces far exceeds what is necessary for his business and serves as an impediment to his successful operation. The applicant has made the case that customers are not at the site longer than a few minutes. As there is no current parking standard in the Merrimack Subdivision Regulations for a marina, staff recommends that the Board determine the standard for a warehouse and storage use up to 100,000 s.f. be applied, which is 1 space per 1,200 s.f. For a 4,120 s.f. building, this amounts to 4 required spaces. The provided plan does not seem to indicate any area for customer vehicular parking, so the Board should discuss this with the applicant. Employee parking appears to the southerly side of the site.

### **Waivers**

The applicant has requested a waiver of full site plan review, but no other waivers have been requested. Staff notes that a sidewalk already exists along the Daniel Webster Highway to the front of the site.

**Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:**

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

### **Recommendation**

**The Board should consider if the proposal will actually achieve the desired result, or if there needs to be more detail to ensure that safe access to and around the property is achieved, and if the lot is big enough to support the use. Should the Board grant the waiver of full site plan review, staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. Applicant to note that parking/boat display cannot impede proper sight distance or emergency access/traffic circulation to the site

5. The applicant shall address any forthcoming comments from the Highway Division, as applicable;
6. The applicant shall address any forthcoming comments from Pennichuck Water Works, as applicable;
7. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable, particularly with the obstruction of the sewer easement;
8. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
9. The applicant shall address the following applicable comments from the Public Works Department:
  - a. This section of Daniel Webster Highway will require a NH Department of Transportation Permit; the existing permit is dated 2004 and should be verified that it is still applicable;
10. The applicant shall address the following Planning Staff Technical Comments:
  - a. Note 3 to be updated to reflect the purpose of the current plan;
  - b. Note 4 to be updated to reflect the existing use of the site;
  - c. Note 5 regarding proposed use to be removed;
  - d. Note 7 to be updated to reflect new number of spaces as determined by the Planning Board. In addition, the spaces shall be drawn on the plan, to scale, and labeled as to their intended purpose (employee or customer parking);
  - e. Planning Board signature block to be cleared to make way for new signatures;
  - f. Property owner to sign the revised plan with current date.

Ec: Skip Moir, owner ([skip@skipsmarine.com](mailto:skip@skipsmarine.com))  
Chief Mark Doyle, Merrimack Police Department  
Captain John Manuele, Merrimack Fire Department  
Building Department Staff  
Merrimack Conservation Commission

Cc: Planning Board File  
Correspondence

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